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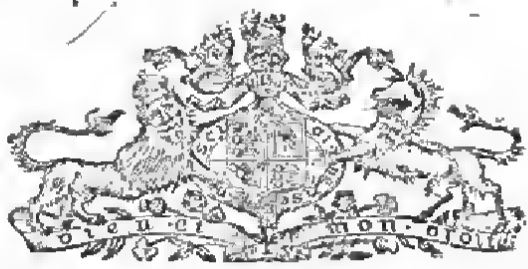

THE FORT ST. GEORGE GAZETTE

EXTRAORDINARY.

Published by Authority.

No. 8.] MADRAS, MONDAY, JULY 26, 1920. [Price, 3 annas

Report of Select Committee, etc., to be presented to the Council of the Governor of Fort St. George for the purpose of making Laws and Regulations.

To

THE HONOURABLE THE COUNCIL OF THE GOVERNOR OF FORT ST. GEORGE FOR MAKING LAWS AND REGULATIONS.

We, the undersigned members of the Select Committee appointed to consider the Madras Elementary Education Bill, have the honour to submit the following report to the Council.

1. Letter from the Hon'ble Diwan Bahadur T. Desika Achariyar Avargal, Additional Member, Madras Legislative Council, dated 19th March 1920.
2. Letter from M.R Ry. S. Rajagopala Achariyar Avargal, Secretary of the Educational Sub-Committee, Mahajana Sabha, Madras, dated 19th March 1920.
3. Letter from M.R Ry. R. Vaidyanathaswami Ayyar Avargal, Medikondan, Tanjore district, dated 28th May 1920.
4. Letter from M.R.Ry. S. Paramesvara Ayyar Avargal, Headmaster, Elementary School, Ganapati Agraharam, Tanjore district, dated 16th June 1920.
5. Letter from the Secretary, Godâvari District Association, Cocanada, No. 78, dated 22nd June 1920.
6. Memorandum of the Elementary Educational Council of South India, dated 5th July 1920.
7. Letter from M.R.Ry Rao Venkata Rao Garu, Landholder and Taluk Board Member, Pithapuram, Godâvari district, dated 8th July 1920

2. We have considered all the clauses of the Bill together with the papers noted in the margin, being the only expressions of opinion which we have received in consequence of the publication of the Bill.

3. The following are the principal changes which we have made in the Bill :—

Clause 3—Definitions.—We have amended the definition of 'Elementary School' so as to make it clear that this expression may be construed as including a Primary department in a Secondary school; we are aware that the recognition of such Primary departments as Elementary schools may give rise to practical difficulties, but as at present advised we consider that such difficulties should be capable of solution by means of statutory rules prescribed under sub-clause (2) of clause 41.

We have introduced changes in the definitions of 'Local authority,' 'Municipal Council' and 'Municipality,' the object of which is to make it plain that the provisions of the Bill are generally applicable to the City of Madras.

4. *Clauses 5 and 6.*—We discussed at some length the comparative merits of entrusting the educational control of the district in the alternative to

(*a*) a District Educational Council constituted *ad hoc*, or

(*b*) to the existing local authorities or statutory committees composed therefrom with additions to secure representation of other interests.

In the result we decided by a majority of nine to five in favour of the former method, which is that incorporated in the original Bill. The following modifications have, however, been effected in regard to the actual constitution of the District Educational Council :—

Firstly, we have deleted the provision in sub-clause (1) of clause 5 making the District Collector ordinarily *ex-officio* president of the Council, while continuing his status as *ex-officio* member and by an addition to clause 19 empowering him to exercise the functions of president if that office becomes temporarily vacant and there is no vice-president of the Council.

Secondly, we have introduced changes in sub-clauses (4), (5) and (6) which will have the effect of giving full discretion to the District Board, local authorities and private educational bodies or associations to elect their representatives on the District Educational Council without binding them only to choose representatives from among their own numbers.

Thirdly, in sub-clause (6), following the precedent set in section 7 (3) of the Madras District Municipalities Act, 1920, we require the Governor in Council, when making nominations, to have regard to the representation of Muhammadans and other minorities.

Fourthly, in clause 6, we have made election the only method of appointing the vice-president.

5. *Clause* 34.—To the cess of areas which do not form part of a municipality or a union objections have been taken to the restriction of special taxation for educational purposes to the form of a cess on the annual rent value of all occupied lands on the grounds that the persons affected thereby already contribute land cess and in some cases also railway cess to the income of local boards and that it is inequitable to exclude other classes than landholders from all liability to share in such special taxation. We consider that these objections carry weight and have accordingly adopted in lieu of the present sub-clause (iv) the formula of the Punjab Primary Education Act, 1919, which provides for the levy of 'a special tax payable by all or any of the persons resident or owning property within such area'.

Consequential additions to clause 36 and clause 55 (now 56) have been made enabling the Governor in Council to make rules for the assessment and realization of this special tax, our model in this respect being section 17 of the Bengal Primary Education Act, 1919.

6. *Clause* 46.—The majority of our number were of opinion that a corollary to the introduction of compulsory measures by notification under clause 46 should be the abolition of all fees in elementary schools in any area affected by such a notification. We have embodied this conclusion in a new clause 47, to which we have attached a proviso based on clause 17 of the Central Provinces Primary Education Bill requiring that the local authority which imposes and receives the special taxes leviable under clause 34 shall pay compensation in a manner to be prescribed by rule for any loss of income which may be caused to elementary schools under private management by the compulsory remission of fees. Some of our members would have preferred to restrict the remission of fees to cases of poverty, but it was recognized that a practical difficulty would arise in arranging a satisfactory agency for the decision of claims to remission on the ground of alleged poverty.

7. *Clause* 48 (*now* 49).—In order to meet the case of Mohammadan children whose parents have conscientious objections to their attendance at schools where no arrangements have been made for their religious instruction in the Muhammadan faith, we have added a proviso to this clause exempting guardians in such circumstances from liability to penalties for failure to cause children under their care to attend elementary schools in areas affected by a notification declaring elementary education to be compulsory.

8. *Clause* 51 (*now* 52).—We have intentionally modified the penalties for failure to comply with the compulsory provisions of Chapter V by reducing the fine for a first or second conviction from ten to five rupees and the enhanced fine for a third or subsequent conviction from Rs. 100 to Rs. 50 and by deleting the provision which in the latter case adds the alternative substantive penalty of simple imprisonment for a period not exceeding two months.

9. *Clause* 52 (*now* 53).—We have modified this clause with special reference to the objections taken by the Missionary Educational Council in the memorandum referred to us for consideration (item 6 in paragraph 2). The change which we have introduced has the effect of making it incumbent upon the District Educational Council in the first place to give the manager of an elementary school under private management the option within a prescribed period of time of entering into an agreement for the exemption from presence during religious instruction of children whose guardians make a written request therefor. It is only if the manager fails to exercise this option that under our revised clause the District Educational Council will take the alternative step of arranging with the local authority for the establishment of a new elementary school.

10. *Clause* 55 (*now* 56).—We are of opinion that the statutory rules made under this Bill are of sufficient importance to require 'previous publication' and have incorporated a provision to that effect in this clause, besides adding to the category of rule-making powers certain items consequential on changes which we have introduced in the earlier clauses of the Bill.

11. The other changes which we have made are either verbal or intrinsically unimportant and it is necessary to refer specifically to only one matter, namely that dealt with in the *Explanation* in clause 45, where it is laid down that the number of elementary school places shall not be considered sufficient for the purposes of the introduction of compulsion unless provision has already been made, or will within a reasonable period be made for the education of every child not exempt under clause 49 (now 50) in an elementary school 'situated *within two miles* from the residence of such child.' This explanation is followed by a proviso empowering the Governor in Council to vary the specified distance of two miles, in any local area and for any period of time. Some of our members were of opinion that the general limit of two miles should be reduced to one mile in view of the possible hardship involved by compelling young children in certain cases to walk a distance of at least four miles in order to get to and from school. It was suggested, therefore, that on this ground the general limit should be reduced from two miles to one mile. The majority of our number apprehended that this change might operate so as undesirably to postpone the introduction of any measure of compulsion and the clause, therefore, remains unaltered.

12. In view of the changes in substance which we have effected we consider that the Bill as amended should be published in English and the principal vernacular languages of the province including Oriya before it is taken into consideration by the Council.

LIONEL DAVIDSON.
T. DESIKACHARI.
(Subject to a minute of dissent.)
N. SUBBA RAO.
(Subject to a minute of dissent.)
A. T. MARAKKAYAR.
R. LITTLEHAILES.
M. D. DEVADOSS.
R. V. K. M. SURYA RAO.
T. ARUMAINATHAN.
K. SRINIVASA AYYANGAR.
E. MONTEITH MACPHAIL.
P. SIVA RAO.
(Subject to a minute of dissent.)
B. V. NARASIMHA AYYAR.
(Subject to a minute of dissent.)
B. VENKATAPATI RAJU.
(Subject to a minute of dissent.)
V. MADHAVA RAJA.
(Subject to a minute of dissent.)

Madras, 21st July 1920.

[Note.—1. The alterations made by the Select Committee are printed in clarendon type.

2. The figures in square brackets on the margin denote the clauses of the Bill as introduced.]

Madras Elementary Education Bill.

(As amended by the Select Committee.)

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Madras Elementary Education Bill.

No. 4 of 1920.

(As amended by the Select Committee.)

Preamble.

WHEREAS it is expedient to make better provision for elementary education in the Presidency of Fort St. George; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Title.

[1] **1.** This Act may be called the Madras Elementary Education Act, 1920.

Extent.

[2] **2.** It shall come into force in such areas and on such dates as the Governor in Council may by notification direct.

Definitions.

[3] **3.** In this Act, unless there is something repugnant in the subject or context—

'Attendance.'

(i) 'Attendance' at a school means presence for instruction at an elementary school for so many and on such days in the year and at such time or times on each day of attendance as may be prescribed;

'Director of Public Instruction.' 'Inspector of Schools.' 'Assistant Inspector of Schools.'

(ii) 'Director of Public Instruction', 'Inspector of Schools' and 'Assistant Inspector of Schools' mean such officer or officers as the Governor in Council may appoint to perform the duties of Director of Public Instruction, Inspector of Schools and Assistant Inspector of Schools respectively;

'District.'

(iii) 'district' means any local area which for the purposes of the revenue administration shall be under the charge of a District Collector or which for the purposes of this Act the Governor in Council may by notification declare to be a district;

'District board.'

(iv) 'district board' means a district board constituted under the Madras Local Boards Act, 1884;

'Elementary education.'

(v) 'elementary education' means education in such subjects and up to such standard as may be prescribed;

'Elementary school.'

(vi) 'elementary school' means a school, or a department of a school, recognized as an elementary school under section 41;

'Elementary school-place.'

(vii) 'elementary school-place' means such accommodation and equipment as may be prescribed as necessary for a child of school-age;

'Guardian.'

(viii) 'guardian' means any person to whom the care, nurture or custody of

any child falls by law, or by natural right or recognized usage, or who has accepted or assumed the care, nurture or custody of any child, or to whom the care or custody of any child has been entrusted by any lawful authority;

'Local authority.' (ix) 'local authority' means a municipal council, or a taluk board;

'Municipal Council.' 'Municipality.' (x) 'municipal council' and 'municipality' mean respectively a municipal council, and a municipality governed by the Madras District Municipalities Act, 1920, or the Madras City Municipal Act, 1919;

'Prescribed.' (xi) 'prescribed' means prescribed by rules made by the Governor in Council under this Act;

'Public management' 'Private management.' (xii) 'public management' in relation to an elementary school means management by the Government or by a local authority; all other management shall be deemed to be 'private management';

'School-age.' (xiii) 'school-age' means such age as the Governor in Council may prescribe in respect of any local area or of any particular community;

'Taluk board.' (xiv) 'taluk board' means a taluk board constituted under the Madras Local Boards Act, 1884.

CHAPTER II.

District Educational Councils.

(1) *Their Constitution.*

District Educational Council. **4.** For every district in which this Act is brought into force there shall be constituted a District Educational Council consisting of a president and such number of members as the Governor in Council may prescribe. [4]

Constitution of Council. **5.** (1) The Governor in Council may appoint one of the members of the District Educational Council to be the president of the Council or may, by notification, authorize the Council to elect its president from among its own number, in such manner as may be prescribed, and subject to the approval of the Governor in Council. [5]*

Provided also that the Governor in Council may, by notification, revoke such authority after previous intimation to the District Educational Council of the grounds upon which such revocation is proposed and after considering the explanation and objections, if any, of the Council.

(2) The District Collector shall ex officio be a member of the District Educational Council.

If a district constituted under this Act comprises only part of a revenue district

or comprises the whole or parts of two or more revenue districts, the Governor in Council may declare what officer shall be considered to be the District Collector for the purposes of this section.

(3) The Inspector and Assistant Inspector of Schools in whose jurisdiction the district is situated shall ex officio be members of the District Educational Council.

(4) If the District Collector is president of the District Board, the District Board shall be entitled to elect two persons to represent it on the District Educational Council.

If the District Collector is not the president, the president shall *ex officio* be a member of the District Educational Council and the District Board shall be entitled to elect one additional representative on the Council.

(5) Every local authority within the district shall be entitled to elect such number of persons as may be prescribed to represent it on the District Educational Council.

(6) The other members of the District Educational Council shall be nominated by the Governor in Council who in making such nominations shall have regard to the representation of Muhammadans and other minorities;

[Madras District Municipalities Act, 1920, section 7 (3)]

Provided that it shall be competent for the Governor in Council by notification to authorize any private educational body maintaining elementary schools or any association of managers of elementary schools to elect one or more persons to represent it on the Council.

(7) The number of members nominated by the Governor in Council shall not exceed one-fourth of the total number of members excluding ex officio members.

[6]

Vice-president of Council.

6. The District Educational Council may elect one of its members to be the vice-president of the Council.

[New.]

Appointments to be notified in the Gazette.

7. The election and appointment of every president, vice-president and member of a District Educational Council shall be notified in the "Fort St. George Gazette".

Term of office of members of Council.

[7]

8. (1) Subject to the provisions of section 10 every person nominated or elected to be a member of a District Educational Council shall continue in office for three years from the date of the *Fort St. George Gazette* wherein his appointment is notified:

(2) The president or vice-president of a District Educational Council shall be

deemed to have vacated his office on the expiry of the term of his membership.

Power of president, vice-president or member of Council to resign.

9. (1) Any person appointed or elected as member or vice-president of a District Educational Council may resign his office by giving notice in writing to the president; the president may resign his office by giving notice in writing to the Council. [8]

(2) Any person holding a salaried office under Government who is a member of a District Educational Council shall, on leaving the local area over which such Council has jurisdiction with the intention of remaining absent therefrom for more than three months or on his resignation, suspension, removal, or retirement from his office under Government, be deemed to have vacated his office of member of such Council. [Cf. Madras District Municipalities Act, 1920 section 31.]

Power of Local Government to remove president, vice-president or member of Council.

10. (1) The Governor in Council may by notification remove any president, vice-president or member of a District Educational Council— [9]

(a) if he is absent for more than three months from the jurisdiction of the Council or refuses to act or becomes incapable of acting or is declared insolvent or is convicted of any such offence or subjected by a criminal court to any such order as implies in the opinion of the Governor in Council a defect of character which unfits him to be president, vice-president or member of a District Educational Council,

(b) if he, without excuse sufficient in the opinion of the Governor in Council, is absent from more than two consecutive meetings of the Council.

(2) The Governor in Council may fix a period during which any person so removed shall not be eligible for re-nomination or re-election.

Member not to receive any remuneration from the funds of the Council.

11. No member of a District Educational Council shall receive any salary or other remuneration from the funds at the disposal of the Council. [10]

Incorporation of Council.

12. Every District Educational Council shall be a body corporate by the name of the District Educational Council of the local area for which it shall have been established, shall have perpetual succession and a common seal, with power to acquire and hold property, both movable and immovable, and subject to such rules as may be prescribed, to transfer any property held by it and to contract and to do all other things necessary for the purpose of [11]

its constitution, and may sue and be sued in its corporate name.

(2) *Mode of Transacting Business.*

[18] **13.** Every District Educational Council shall provide an office and shall meet for the transaction of business upon such days and at such times as it may arrange and also at other times as often as a meeting shall be called by the president or in his absence by the vice-president: Council to keep an office.

Provided that every Council shall meet at least once in every two months.

[14] **14.** The president or in his absence the vice-president shall at any time on the requisition in writing of not less than one-third of the members of the Council call a meeting of such a Council: President or vice-president to call a meeting on requisition.

Provided that no such meeting shall be held unless a notice of the meeting specifying the time and place at which and the purpose for which it is to be held has at least six days previous to the day of such meeting been addressed and sent by the president or vice-president to such of the members.

[15] **15.** (1) At every meeting of a District Educational Council the president or in his absence the vice-president shall preside. Who is to preside at meeting.

(2) In the absence from any meeting of the president and the vice-president, the members of the District Educational Council present at the meeting shall choose some one of their number to preside thereat.

[16] **16.** All meetings of a District Educational Council shall be open to the public: Meetings of Council to be public.

[Cf. Madras District Municipalities Act, 1920, Schedule III, Rule 4.]

Provided that the presiding member may in any particular case for reasons to be recorded in writing direct that the public generally or any particular person shall withdraw.

[17] **17.** (1) No business shall be transacted at a meeting unless at least one-third of the whole number of members then on the Council be present. Quorum.

(2) If within half an hour after the time appointed for a meeting a quorum is not present, the president, vice-president or presiding member may adjourn the meeting to some future date.

(3) All questions which may come before a District Educational Council at any meeting shall be decided by a majority of the votes; and in case of an equality of votes the president or other presiding member shall have a second or casting vote. Decision by majority. Casting vote.

Interested member not to vote.

(4) No member of a District Educational Council shall vote on any question coming before the Council for consideration in which (otherwise than in its general application to all persons and properties within the local area) he has any pecuniary interest.

Modification or cancellation of resolution

(5) No resolution of a District Educational Council shall be modified or cancelled within three months by such Council, except at a meeting specially convened in that behalf and by a resolution of the Council supported by not less than one-half of the whole number of members then on such Council.

Minutes of proceedings.

18. (1) Minutes of the proceedings at each meeting of the District Educational Council shall be drawn up and entered in a book to be kept for that purpose, and shall be signed by the president or the member who presided at such meeting, and shall, at all reasonable times and without charge, be open at the office of the Council to the inspection of any person residing within the jurisdiction of such Council. [18]

Copies of minutes to be sent to District Collector for publication.

(2) A copy of the minutes of the proceedings at each meeting shall, within three days from the date thereof, be transmitted to the District Collector for publication in the district gazette in English and in the vernacular language of the district.

Copies of minutes to be sent to the chief executive officer of each local authority.

(3) A copy of the minutes of the proceedings at each meeting shall, within a week from the date thereof, be transmitted to the chief executive officer of each local authority represented on the District Educational Council, and also to each member of the Council.

Certified copies of proceedings and records.

(4) The president and in his absence the vice-president shall have the custody of the records of the District Educational Council and may grant copies of any such records either free or on payment of such fees as the Council may determine to such officers or persons as the Council may by general or special order direct.

Executive power vested in the president.

19. (1) (a) The resolutions of a District Educational Council shall be carried into effect by the president, in whom the entire executive power of the Council shall be vested and who shall be directly responsible for the due fulfilment of the purposes of this Act. [19]

Exception.

(b) It shall not be lawful for the president to exercise any power which by this Act it is expressly declared shall be exercised by the Council.

Delegation of powers by president to vice-president.

(c) The president may authorize the vice-president by an order in writing to

exercise any of the powers conferred or to perform any of the duties imposed on the president by this Act and may in like manner modify or cancel such order:

Provided that the delegation of powers or duties under this clause shall not relieve the president of any responsibility imposed upon him by this Act.

Discharge of president's functions during absence of president and vice-president.

(2) When the office of president is vacant the vice-president shall exercise the functions of the president until a new president is duly appointed.

If there is no vice-president, the District Collector shall exercise the functions of the president until a new president or a vice-president is duly appointed.

[20]

Standing orders as to conduct of business.

20. Every District Educational Council may make standing orders consistent with this Act, and with any rules framed thereunder by the Governor in Council, in regard to the following matters:—

(i) the time and place of its meetings;

(ii) the manner in which notice thereof shall be given;

(iii) the conduct of proceedings at meetings;

(iv) the division of duties among the members of the Council;

(v) the appointment, duties and procedure of special committees consisting wholly of a certain number of members of the Council or partly of such members and partly of residents within the local jurisdiction of the Council;

(vi) the persons by whom receipts may be granted for money paid to the Council;

(vii) the inspection by members of the Council of elementary schools situated within the jurisdiction of such Council and the inspection of accounts, books, registers and returns, reports, and other documents appertaining thereto, and

(viii) all other similar matters.

[21]

Power of Local Government to suspend action under this Act.

21. The Governor in Council may, by order in writing, suspend the execution of any resolution of any District Educational Council or of any order issued by any District Educational Council or president or cancel such resolution or order and may prohibit the doing of any act which is about to be done or is being done in pursuance of or under colour of this Act, if in his opinion such resolution has not been legally carried or such resolution, order or act is in excess of the powers conferred by law.

[22]

Power of Local Government in case of default of Council or its president.

22. (1) If at any time it appears to the Governor in Council that a District Educational Council or its president has made

default in performing any duty imposed by or under this Act, the Governor in Council may by order in writing fix a period for the performance of such duty.

Appointment of person to perform duty in case of default.

(2) If the duty is not performed within the period so fixed, the Governor in Council may appoint some person to perform it, and may direct that the expense of performing it shall be paid, within such time as he may fix, to such person by the District Educational Council.

Recovery of expenses.

(3) If the expense is not so paid, the Governor in Council may make an order directing the person having the custody of the fund constituted under section 28 to pay such expense in priority to any other charges against such fund except charges for the service of authorized loans. Such person shall, so far as the funds to the credit of the District Educational Council admit, comply with such order.

Powers of Local Government to interfere if Council is not properly performing its duties under this Act

23. If at any time it appears to the Governor in Council that a District Educational Council is not properly performing its duties under this Act, he may direct that all elected and nominated members of such District Educational Council shall vacate their seats and that the vacancies shall be filled by election in respect of elected members, and by nomination in respect of nominated members, or that all the vacancies shall be filled by nomination. [23]

(3) *Duties of District Educational Councils.*

Duties of Council

24. (1) It shall be the duty of every District Educational Council— [24]

(a) to prepare and maintain a register showing all elementary schools and all primary departments attached to secondary schools, and the number of elementary school-places thus provided;

(b) to tabulate such further information and to prepare such plans or maps as may be necessary to enable the Council to frame an estimate of the existing provision for elementary education and of the further provision necessary to place elementary education within the reach of all children of school age;

(c) to prepare in consultation with the authorities concerned schemes for the extension of elementary education in each taluk board and municipal area;

(d) to arrange in consultation with the authorities concerned and with other educational agencies for the opening of additional schools and the expansion of existing schools with a view to giving effect as funds permit to such schemes;

(e) to grant recognition to elementary schools under the provisions of section 41;

(f) to consider and pass orders on all applications under section 42 for grants-in-aid on behalf of elementary schools under private management;

(g) to disburse all sanctioned grants-in-aid to elementary schools under private management from funds placed at the disposal of the Council in this behalf by the Governor in Council;

(h) to maintain a register of all recognized institutions in the district which provide for the training of elementary school teachers;

(i) to prepare and maintain a register of all trained and certificated teachers employed in elementary schools in the district;

(j) to prepare and transmit to the Director of Public Instruction proposals for increasing the supply of trained and certificated teachers;

(k) to advise upon all matters relating to elementary education referred to the Council by the Director of Public Instruction.

(2) The register referred to in clause (a) of sub-section (1) shall be maintained and the information referred to in clause (b) of sub-section (1) shall be tabulated separately for each taluk board and municipal area within the jurisdiction of the District Educational Council.

[25] 25. Every District Educational Council shall in each official year— Council to submit statement of private elementary schools receiving grants-in-aid.

(i) frame and transmit to the Director of Public Instruction, by such date and in such form as he may direct, a statement showing for its district (*a*) the names of elementary schools under private management for which grants-in-aid have been sanctioned for that year and (*b*) the amount of the grant which has been sanctioned for each such school, and

(ii) furnish a report to the Director of Public Instruction, by such date and in such form as he may direct, exhibiting the grants-in-aid which it has distributed to schools within its district.

[26] 26. Every District Educational Council shall transmit to the Director of Public Instruction such further reports and statements as may be prescribed. And such other reports as may be prescribed.

[27] 27. For the proper discharge of the duties imposed by this Act every District Educational Council shall employ such establishment as may be sanctioned by the Governor in Council. Employment of establishment.

(4) *Funds, Budget and Audit.*

What shall constitute the fund of the Council.

[28]

28. Every District Educational Council shall maintain a fund to which shall be credited—

(i) all sums granted by the Governor in Council for the payment of grants-in-aid of elementary education;

(ii) all sums granted by the Governor in Council for the payment of office and establishment expenses;

(iii) all income derived from any endowments or other property owned or managed by the Council;

(iv) all other sums of money which may be received by the Council for the purposes of this Act.

Fund where to be lodged and how to be drawn against.

[29]

29. (1) The fund of each District Educational Council shall be lodged in such bank or Government treasury as the Governor in Council may direct.

(2) All expenses incurred by the District Educational Council shall be paid out of such fund.

(3) All orders or cheques upon the fund shall be signed by the president or by such person as he may authorize in writing to sign on his behalf.

Council to submit to local Government budget of income and expenditure.

[30]

30. (1) On or before the 30th November in each year every District Educational Council shall submit to the Governor in Council through the Director of Public Instruction, in such form as may be prescribed, a budget of income and expenditure for the ensuing financial year.

(2) The Governor in Council may pass such orders as he thinks fit in respect of the budget and the District Educational Council shall be bound to carry out all such orders.

Audit of accounts of council.

[31]

31. The accounts of every District Educational Council shall be examined and audited by an officer appointed by the Governor in Council in this behalf and the District Educational Council shall carry out any instructions which the Governor in Council may issue on perusal of the audit report.

CHAPTER III.

EDUCATION FUNDS.

(1) *Their constitution and control.*

What shall constitute education fund.

[32]

32. There shall be constituted for each local authority in every district in which this Act is brought into force an elementary education fund to which shall be credited—

(i) the proceeds of any tax levied within the jurisdiction of such authority under the provisions of this Act;

(ii) all sums granted to such authority by the Governor in Council for the benefit of elementary education;

(iii) all fines and penalties levied within the jurisdiction of such authority under the provisions of this Act;

(iv) all income derived from any endowments or other property owned or managed by such authority for the benefit of elementary education;

(v) all school fees, if any, collected in elementary schools managed by such authority; and

(vi) all other sums of money which may be contributed or received by such authority for the purposes of this Act.

[33] **33.** (1) The education fund constituted under section 32 shall be lodged in such bank or Government treasury as the Governor in Council may direct. *Education fund where to be lodged and how to be drawn against.*

(2) All expenses incurred on elementary education by the local authority concerned shall be paid out of the fund.

(3) All orders or cheques upon the fund shall be signed by the chief executive officer of the local authority or by such person as he may authorize in writing to sign on his behalf.

(4) So far as the funds to credit permit, the treasury or bank shall pay

(*a*) all orders or cheques signed in accordance with sub-section (3);

(*b*) all expenses incurred by the Governor in Council on behalf of the local authority, provided that the local authority has given previous authority in writing to the bank or treasury to debit such expenses to the fund without the issue of any order or cheque.

(2) *The Education tax and Government contribution.*

[34] **34.** With the previous sanction of the Governor in Council any local authority for which an elementary education fund has been constituted under section 32 may levy within its area the following taxes, namely:— *Education tax.*

(i) if the area is within the City of Madras, as defined in section 3 (9) of the Madras City Municipal Act, 1919—a tax not exceeding twenty-five per centum of all or any of the following: viz., the property tax, the tax on companies and the profession tax, *In the City of Madras.*

(ii) if the area is within any other municipality—a tax not exceeding twenty-five per centum of all or any of the following: viz., the property tax, the tax on companies and the profession tax, *In other municipalities.*

In unions.

(iii) if the area is within a union as defined in section 3 (xxviii) of the Madras Local Boards Act, 1884—a tax not exceeding twenty-five per centum of the house-tax levied under section 57 (iii) of that Act,

In areas not included in a municipality or union.

(iv) if the area is not within a municipality or union—a special tax payable by all or any of the persons resident or owning property within such area.

[Cf. Punjab Primary Education Act, 1919 —section 4 (2)].

Rate at which the tax should be levied.

35. The local authority shall decide at what rates, subject to the maxima prescribed in section 34, the taxes shall be levied and may from time to time alter such rates.

[35]

Taxes how levied.

36. (1) The taxes leviable under clauses (i) and (ii) of section 34 shall be levied along with the corresponding municipal taxes and shall in respect of the procedure of assessment and realization be deemed to be part of such taxes and shall be governed by the relevant provisions of the Madras City Municipal Act, 1919, and the Madras District Municipalities Act, 1920.

[36]

(2) The assessment and realization of the tax leviable under clause (iii) of section 34 shall be governed by sections 77 to 86 inclusive of the Madras Local Boards Act, 1884.

(3) The assessment and realization of the tax leviable under clause (iv) of section 34 shall be in accordance with the procedure prescribed.

[Cf. Bengal Primary Education Act, 1919 —section 17 (3)].

(4) The authority collecting such taxes shall pay the proceeds thereof to the credit of the elementary education fund.

Contribution by the Local Government to education fund.

37. When an elementary education fund is constituted under section 32, the Governor in Council shall contribute thereto a sum not less than the proceeds of the taxation levied under section 34 on behalf of the fund:

[37]

Provided that such contribution shall be in addition to, and not in lieu of, the amount of expenditure incurred from Provincial funds during the financial year before the coming into force of this Act on education in public elementary schools situated within the area for which such elementary education fund has been constituted.

(3) *Budget and Audit.*

Budget of income and expenditure relating to education fund.

38. (1) On or before the 30th November in each year every local authority for which an elementary education fund has been constituted under section 32 shall submit to the Governor in Council through the District Educational Council and the Director of Public Instruction, in such form as may be prescribed, a budget for

[38]

the ensuing financial year showing the income and expenditure relating to such fund.

(2) The Governor in Council may pass such orders as he thinks fit in respect of the budget and the local authority concerned shall be bound to carry out all such orders.

[39] **39.** The accounts of each education fund shall be examined and audited by an officer appointed by the Governor in Council in this behalf and the local authority concerned shall carry out any instructions which the Governor in Council may issue on the audit report. Audit of accounts of education fund.

Saving clause.

[40] **40.** Save as otherwise expressly provided by this Act, nothing in the Madras District Municipalities Act, 1920, or in the Madras Local Boards Act, 1884, or in the Madras City Municipal Act, 1919, shall affect any of the provisions of this chapter. Saving clause.

CHAPTER IV.

ELEMENTARY SCHOOLS.

(1) *Recognition.*

[41] **41.** (1) The manager of any school under private or public management desiring that such school shall be recognized as an elementary school shall submit an application in the prescribed form through the Inspector of Schools to the District Educational Council. Recognition of elementary schools.

(2) Subject to such rules as may be prescribed the District Educational Council may, by an order in writing, grant such application, either with or without conditions, or refuse or defer the grant of recognition, and may in like manner cancel or suspend any order granting recognition.

(3) An appeal shall lie to the Director of Public Instruction in respect of any order passed under sub-section (2).

(4) All orders of recognition in respect of elementary schools made by the Director of Public Instruction or by an Inspector of Schools before this Act came into force shall be held to have been made under this section.

(2) *Grants-in-aid.*

[42] **42.** (1) The manager of any elementary school under private management desiring that such school shall be admitted to aid shall submit an application in the prescribed form through the Inspector of Schools or other officer appointed Grants-in-aid of private elementary schools.

in this behalf to the District Educational Council:

Provided that nothing contained in this section shall render it incumbent on the manager of any elementary school under private management which has already been admitted to aid to submit any such application.

(2) Subject to such rules as may be prescribed the District Educational Council shall pass orders on any application and may subsequently modify or cancel such orders.

(3) An appeal shall lie to the Director of Public Instruction in respect of any order passed under sub-section (2).

Manager of school admitted to aid to furnish council with returns and information.

43. The manager of any school admitted to aid under section 42 shall furnish the District Educational Council with returns and other information as may be prescribed and shall afford the council reasonable facilities for verifying such returns and information. [43]

CHAPTER V.

COMPULSORY ELEMENTARY EDUCATION.

(1) *Introduction of compulsion.*

Local authority may resolve that elementary education shall be made compulsory within its area.

44. Subject to the conditions laid down in this chapter any local authority may, by a resolution passed at a meeting specially convened for the purpose and supported by the votes of not less than two-thirds of the members present, resolve that elementary education shall be compulsory within the whole or a specified part of the local area under its jurisdiction— [44]

(*a*) for all children of school age, or

(*b*) for boys of school age, or

(*c*) for girls of school age.

Local authority to submit its resolution to Local Government.

45. (1) Every resolution passed under section 44 shall be submitted through the District Educational Council to the Governor in Council. [45]

Local Government may accept or reject such resolutions.

(2) The Governor in Council may accept or reject any such resolution:

Proviso.

Provided that the Governor in Council shall reject the resolution unless—

(*a*) the local authority concerned shall have declared by resolution its readiness to levy the tax or taxes leviable under section 34 throughout the area specified at such rates as may be necessary to meet the expenditure involved; and

(*b*) the Governor in Council is satisfied that adequate arrangements have been made for the provision of trained teachers and that the number of

elementary school-places in the area is sufficient or will, within a reasonable period, be made sufficient for all children of school age residing therein in respect of whom it has been resolved that elementary education shall be compulsory subject always to the exceptions permitted by the provisions of section 50:

Provided further that if the resolution extends only to the children of one sex, the Governor in Council may reject it unless satisfied that sufficient accommodation is or will be provided as required by sub-clause (*b*) of the foregoing proviso for all the children of school age of the other sex resident in the area or for such proportion of them as the Governor in Council may in each case direct.

Explanation.—The number of elementary school-places shall not be considered to be sufficient unless provision has already been made or will, within a reasonable period, be made for the education of every child not exempted under section 50 in an elementary school situated within two miles from the residence of such child:

Provided that in the case of any specified local area the Governor in Council may, by notification, vary the distance herein laid down for such period of time as he may think fit.

Acceptance of resolution by Local Government to be notified.

[46] **46.** On the acceptance of a resolution by the Governor in Council under sub-section (2) of section 45, the fact of such acceptance shall be notified in the *Fort St. George Gazette*, and in the gazette of the district, if any, and the provisions of sections 47 to 52 (both inclusive) shall thereupon come into force within such area and from such date as may be specified in the notification.

47. No fees shall be charged at any elementary school in any area affected by a notification under section 46:

Provided that the Local authority of such area shall pay compensation in the manner prescribed for any loss of income, which may be caused by such remission of fees to elementary schools under private management.

[New]
[Cf. clause 17 of the Central Provinces Primary Education Bill.

(2) *Exemptions.*

Power to exempt any person or class of persons

[47] **48.** The Governor in Council may, by notification, exempt any person or class of persons from the effect of a notification under section 46.

(3) *Responsibility of guardians.*

Responsibility of guardian to enter child of school age in attend school.

[48] **49.** In every area affected by a notification under section 46 it shall be the

duty of the guardian of every child of school age resident in such area, subject to the exceptions authorized by section 50, to cause such child to attend an elementary school in such area:

Provided that no guardian shall be compelled to cause a child to attend a school at which attendance at religious instruction in a faith other than that to which the child belongs is compulsory:

Provided further that no guardian shall be compelled to cause a Muhammadan child to attend a school at which adequate arrangements have not been made for religious instruction in the Muhammadan faith.

[49]

Under what circumstances attendance of child at school shall not be compulsory.

50. Attendance at school shall not be compulsory in the following circumstances:—

(i) if there is no elementary school within two miles or such other distance as may have been notified under the explanation to sub-section (2) of section 46 from the residence of the child;

(ii) if the child is prevented from attending school by reason of sickness, infirmity or other cause declared by a resolution of the local authority concerned to be a reasonable excuse;

(iii) if the child is receiving instruction in some other manner declared to be satisfactory by a prescribed officer;

(iv) if the child has already received instruction in an elementary school or otherwise up to the standard prescribed for elementary education;

(v) if the child is exempt from attendance on any other prescribed ground.

(4) *Attendance Committees.*

[50]

Appointment of attendance committees.

51. The local authority concerned shall be responsible for the enforcement of the provisions of section 49 and, subject to such rules as may be prescribed, shall for this purpose appoint one or more attendance committees.

[51]

Attendance committee to cause a complaint to be presented to magistrate for failure to cause child to attend school.

52. (1) Whenever an attendance committee is satisfied that a guardian has without reasonable excuse failed to discharge the obligation created by section 49, it may cause a complaint against such guardian to be presented to any magistrate having local jurisdiction.

(2) If satisfied that the complaint is well founded, the magistrate shall pass an order directing the guardian to cause the child in respect of whom the complaint is preferred to attend school regularly after a specified date.

Penalty for failure to cause child to attend school.

(3) If without reasonable excuse the guardian fails to comply with such order,

the attendance committee may sanction his prosecution and on conviction by a magistrate the guardian shall be liable to a fine not exceeding five rupees:

Provided that any person who has on two or more previous occasions been convicted of an offence under this section, shall on further conviction be liable to a fine not exceeding fifty rupees.

CHAPTER VI.

RELIGIOUS INSTRUCTION.

[52]

District Educational Council to make arrangement for the provision of elementary education without insistence on religious instruction in certain cases.

53. (1) If at any elementary school under private management and in receipt of aid under section 42 the children are required to be present during religious instruction based on the distinctive doctrines or creed of any particular religion, sect or denomination, and not less than ten guardians of children attending such school make an application in writing to the District Educational Council for the provision of elementary education in such a manner as to obviate their compulsory presence during religious instruction, the District Educational Council, on being satisfied that the requisite provision does not already exist in some other neighbouring elementary school, shall require the manager of the school to enter into an agreement for the exemption from presence during religious instruction of all children whose guardians make a written request therefor.

(2) If within the time prescribed the manager fails to enter into such an agreement the District Educational Council shall arrange with the local authority concerned for the establishment of an elementary school within two miles or such other distance as may have been notified under the explanation to sub-section (2) of section 45 from the residence of every child in respect of whom alternative educational facilities are requested.

(3) Every agreement made under sub-section (1) shall be for a stated period, on the expiry of which, it shall, at the option of the manager, be determined or renewed for a further period on such terms as may be arranged.

(4) If the agreement is determined under sub-section (3), the District Educational Council shall make arrangements as aforesaid for the establishment of a new elementary school.

[53]

Eligibility for grant-in-aid of recognised schools imparting religious instruction.

54. If an elementary school, the manager of which refuses to enter into an agreement under section 53 or exercises his option of determining such an agreement, continues to comply with the conditions on which recognition has been

granted under section 41, it shall nevertheless be eligible for such grants-in-aid as may be admissible under section 42.

CHAPTER VII.

MISCELLANEOUS.

[54]

If there is no taluk board in a district, district board may exercise the powers and duties of taluk board

53. If in any area, not being a municipality, there is no taluk board, the powers and duties of a taluk board under this Act shall be respectively exercised and performed by the district board having jurisdiction over such area:

Provided that in such case the provisions of sub-section (4) of section 5 shall not apply.

[55]

Power of Government to make rules.

56. (1) The Governor in Council may after previous publication make rules not inconsistent with this Act to carry out all or any of the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision he may make rules—

(a) declaring what shall constitute 'elementary education', 'elementary school place', 'school age' and 'attendance at school';

(b) declaring what schools shall be classed as elementary;

(c) regulating the election of presidents of District Educational Councils and the number of persons which each local authority can elect to represent it on the District Educational Council;

(d) regulating the appointment, pay, punishment and removal of the officers and servants employed by District Educational Councils;

(e) determining the conditions subject to which property may be acquired, held and transferred by District Educational Councils;

(f) laying down the registers, statements, reports, returns, budgets and other information to be maintained or furnished by District Educational Councils, by local authorities, by managers of elementary schools under private management and by attendance committees;

(g) regulating the procedure for the assessment and realization of the special tax leviable under clause (iv) of section 34;

(h) declaring the conditions subject to which schools may be admitted to recognition or aid;

(i) regulating the manner in which compensation shall be paid under section 47; and

(j) regulating the appointment of school attendance committees.

(By order of His Excellency the Governor in Council.)

F. J. RICHARDS,
Acting Secy. to Govt., L. & M. (Legislative) Dept.

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